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Attorneys for Defendant

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

JEFF BOWMAN; and LAUROS  
REYES aka LARRY REYES,  
individually, and on behalf of all others  
similarly situated,

Plaintiffs,

v.

UBS FINANCIAL SERVICES INC., *et*  
*al.*,

Defendant.

Case No. C-04-03525 MMC

**STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE HEARING  
DATES ON (1) PLAINTIFFS' MOTION  
TO STRIKE DEFENDANT'S  
SEVENTH AFFIRMATIVE DEFENSE  
AND (2) DEFENDANT'S MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT**

Honorable Maxine M. Chesney

Plaintiffs JEFF BOWMAN and LARRY REYES and defendant UBS  
FINANCIAL SERVICES, INC., by and through their respective counsel, hereby stipulate as  
follows:

1 WHEREAS, plaintiffs have filed a motion to strike defendant's Seventh  
2 Affirmative Defense, which motion is set for hearing on October 14, 2005 at 9:00 a.m.;

3 WHEREAS, defendant has filed a motion for partial summary judgment regarding  
4 plaintiffs' First Claim, which motion is also set for hearing on October 14, 2005 at 9:00 a.m.;

5 WHEREAS, the parties' respective oppositions to these motions are due on  
6 September 23, 2005, and reply briefs are due on September 30, 2005;

7 WHEREAS, the parties would like to concentrate their efforts on resolution of the  
8 case through mediation without expending additional resources to prepare and file opposition and  
9 reply briefs concerning the pending motions;

10 NOW THEREFORE, subject to the Court's availability and approval of this  
11 stipulation, it is hereby agreed that plaintiffs' motion to strike defendant's Seventh Affirmative  
12 Defense and defendant's motion for partial summary judgment concerning plaintiffs' First Claim  
13 shall be continued from October 14, 2005 at 9:00 a.m. to November 18, 2005 at 9:00 a.m.

14 IT IS SO STIPULATED.

15  
16 Dated: September 22, 2005. DOSTART CLAPP & COVENEY, LLP  
MARITA M. LAUINGER

17  
18 By: \_\_\_\_\_/s/  
19 Marita M. Lauinger<sup>1</sup>  
Attorneys for Plaintiffs  
20 JEFF BOWMAN and LARRY REYES

21 Dated: September 22, 2005. O'MELVENY & MYERS LLP  
22 CHRIS A. HOLLINGER

23  
24 By: \_\_\_\_\_/s/  
CHRIS A. HOLLINGER  
25 Attorneys FOR Defendant  
UBS FINANCIAL SERVICES INC.

26  
27 \_\_\_\_\_  
28 <sup>1</sup> Counsel e-filing this document represents that he has been authorized by Plaintiffs' counsel, Marita M. Lauinger, to file this document on Plaintiffs' behalf.

1 Good cause appearing, the Court hereby orders as follows:

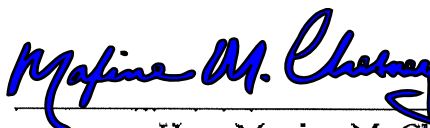
2 1. The hearing on plaintiffs' motion to strike defendant's Seventh Affirmative  
3 Defense is continued from October 14, 2005 at 9:00 a.m. to November 18, 2005 at 9:00 a.m.

4 2. The hearing on defendant's motion for partial summary judgment regarding  
5 plaintiffs' First Claim is continued from October 14, 2005 at 9:00 a.m. to November 18, 2005 at  
6 9:00 a.m.

7 3. Opposition and reply briefs concerning the above motions shall be filed and served  
8 in accordance with Local Rule 7-3.

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10 **IT IS SO ORDERED.**

11 Dated: September 23, 2005



Hon. Maxine M. Chesney

UNITED STATES DISTRICT JUDGE

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